

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Tom Sharples et al. )  
 )  
Application No.: 09/644,345 )  
 )  
Filing Date: August 23, 2000 )  
 )  
For: METHOD AND DEVICE WITH )  
DVD AND HTML CONTROL )  
ENVIRONMENTS )  
\_\_\_\_\_ )

Examiner: Not Assigned

Group Art: 2614



Commissioner for Patents  
Washington, D.C. 20231

PETITION UNDER 37 C.F.R. § 1.47(a)

Dear Sir:

This petition is to respectfully request that the inventors declaration be accepted for filing without the signature of inventor Tom Dizoglio. Mr. Dizoglio cannot be found or reached after diligent effort. (See attached Declarations of Gregg A. Peacock, Virginia Velazquez and Tom Sharples) The fee for filing is petition as set forth in C.F.R. § 1.17(j) is included herewith.

The Commissioner is authorized to charge any insufficiency or credit any overpayment to Deposit Account No. 02-2666.

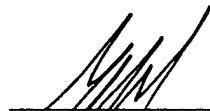
03/15/2001 AGOITOM 00000001 09644345

02 FC:122

130.00 OP

Respectfully submitted

Dated: 3-9-01

  
\_\_\_\_\_  
Gregg A. Peacock  
Reg. No. 45,001

Blakely, Sokoloff, Taylor & Zafman, LLP  
1240 Wilshire Boulevard, Seventh Floor  
Los Angeles, CA 90025-1026  
(512) 330-0844

**RECEIVED**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                              |   |                        |
|------------------------------|---|------------------------|
| In re Application of:        | ) |                        |
| Tom Sharples et al.          | ) |                        |
|                              | ) |                        |
| Application No.: 09/644,345  | ) | Examiner: Not Assigned |
|                              | ) |                        |
| Filing Date: August 23, 2000 | ) | Group Art: 2614        |
|                              | ) |                        |
| For: METHOD AND DEVICE WITH  | ) |                        |
| DVD AND HTML CONTROL         | ) |                        |
| ENVIRONMENTS                 | ) |                        |
| _____                        | ) |                        |

Commissioner for Patents  
Washington, D.C. 20231



**DECLARATION OF GREGG A. PEACOCK**

I, Gregg A. Peacock, having personal knowledge of the facts set forth herein, hereby declare and say as follows:

1. On August 23, 2000, the above referenced patent application was filed with the United States Patent and Trademark Office. The named inventors in the application are Susan Baum, Tom Dizoglio, Bhupesh Vyas, Neal Bedard and Ian MacDowell. Mr. Tom Dizoglio is a previous employee of Imagicast, Inc. It is Mr. Dizoglio who refuses to sign the Declaration. Subsequent to the filing, each of these inventors was sent a copy of the application, and a Declaration and Power of Attorney for the above referenced patent application, for their execution. With regard to Mr. Dizoglio, the application, Declaration and Power of Attorney were sent to his last known address, which is shown by Exhibit 5 for the Declaration of Virginia Velazquez and Exhibit 1 for the Declaration of Tom Sharples. Moreover, I called the telephone number of Mr. Dizoglio illustrated by Exhibit 5 for the Declaration of Virginia Velazquez. However, the telephone number was no longer in service.

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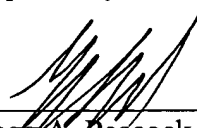
**MAR 16 2001**

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Dated: 3-9-01

  
\_\_\_\_\_  
Gregg A. Peacock  
Reg. No. 45,001

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025  
(512)434-2400

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#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Tom Sharples et al. )  
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Application No.: 09/644,345 )  
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Filing Date: August 23, 2000 )  
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For: METHOD AND DEVICE WITH )  
DVD AND HTML CONTROL )  
ENVIRONMENTS )  
\_\_\_\_\_ )

Examiner: Not Assigned

Group Art: 2614



Commissioner for Patents  
Washington, D.C. 20231

**DECLARATION OF VIRGINIA VELAZQUEZ**

I, Virginia Velazquez, having personal knowledge of the facts set forth herein, hereby declare and say as follows:

1. I am employed by BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, as a Legal Secretary. My supervisor is Gregg A. Peacock.

2. At Mr. Peacock's request, I sent a letter on February 14, 2001 to Mr. Tom Dizoglio enclosing a copy of the filed application together with a Declaration pursuant to 37 C.F.R. § 1.63 for his signature via Certified Mail Return Receipt Requested (Exhibit 1). Also included with this correspondence was a self-addressed, postage-prepaid envelope to facilitate the return of the executed documents to Mr. Peacock.

3. When there was no response to said correspondence, at Mr. Peacock's request, I sent another letter on February 26, 2001 to Mr. Tom Dizoglio enclosing a copy of the filed application together with a Declaration pursuant to 37 C.F.R. § 1.63 for his signature via Certified Mail Return Receipt Requested (Exhibit 2). Also included with this correspondence was a self-addressed, postage-prepaid envelope to facilitate the return of the executed documents to Mr. Peacock.

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**MAR 16 2001**

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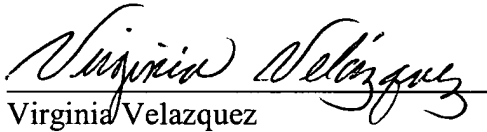
4. Subsequently, we received the Return Receipt showing receipt of our correspondence dated February 14, 2001 by Mr. Dizoglio (Exhibit 3).

5. On March 5, 2001, at Mr. Peacock's request, I sent a letter to Mr. Dizoglio requesting that he execute and return the Declaration previously received by him (Exhibit 4).

6. On March 6, 2001, I searched the Internet for Mr. Dizoglio's telephone number and address (Exhibit 5) and provided that information to Mr. Peacock.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: March 9, 2001

  
Virginia Velazquez

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# BLAKELY SOKOLOFF TAYLOR & ZAFMAN

A LIMITED LIABILITY PARTNERSHIP  
INCLUDING LAW CORPORATIONS

TELEPHONE (512) 330-0844

FACSIMILE (512) 330-0476

BSTZ\_MAIL@BSTZ.COM  
WWW.BSTZ.COM

ONE BARTON SKYWAY  
1501 SOUTH MOPAC, SUITE 250  
AUSTIN, TEXAS 78746



February 14, 2001

## OTHER OFFICES

LOS ANGELES, CA  
SUNNYVALE, CA  
COSTA MESA, CA  
SAN DIEGO/LA JOLLA, CA  
PORTLAND/LAKE OSWEGO, OR  
SEATTLE/KIRKLAND, WA  
DENVER/ENGLEWOOD, CO

**CERTIFIED MAIL – 7099 3400 0016 3549 8705**  
**RETURN RECEIPT REQUESTED**

Mr. Tom Dizoglio  
29 Belvedere Street  
San Francisco, California 94117

Re: U.S. Patent Application entitled: "Integration Of passive Data Content In  
A Multimedia-Controlled Environment" BSTZ Docket No. 4905.P004

U.S. Patent Application entitled: "Method And Apparatus With DVD  
And HTML Control Environments" BSTZ Docket No. 4905.P005

Dear Mr. Dizoglio:

Enclosed are copies of the above-identified patent applications as filed in the U.S. Patent Office on August 23, 2000 of which you are a named inventor. We are also enclosing an Assignment and Declaration for each application. We ask that you please sign, date and return these documents to us in the self-addressed, stamped envelope provided herewith.

Please be advised that even if you are no longer employed by Imagicast, Inc., you still have a duty to execute any documents required to prosecute patent applications in which you are a named inventor.

We would appreciate receiving the executed documents at your earliest convenience. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gregg A. Peacock".

Gregg A. Peacock

GAP:vv  
Encl.

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**MAR 16 2001**

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**EXHIBIT 1**

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Postage

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Certified Fee

Return Receipt Fee  
(Endorsement Required)

Restricted Delivery Fee  
(Endorsement Required)

Total Postage & Fees

\$

Postmark  
Here

Recipient's Name (Please Print Clearly) (to be completed by mailer)

TOM DIZOGIIO

Street, Apt. No. or PO Box No.

29 BELVEDERE STREET

City, State, ZIP+4

SAN FRANCISCO, CA 94117

See Reverse for Instructions

PS Form 3800, February 2000

5028 6456 9700 0056 6602  
7099 3400 0016 8705

# BLAKELY SOKOLOFF TAYLOR & ZAFMAN

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TELEPHONE (512) 330-0844

FACSIMILE (512) 330-0476

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WWW.BSTZ.COM



ONE BARTON SKYWAY  
1501 SOUTH MoPAC, SUITE 250  
AUSTIN, TEXAS 78746

## OTHER OFFICES

LOS ANGELES, CA  
SUNNYVALE, CA  
COSTA MESA, CA  
SAN DIEGO/LA JOLLA, CA  
PORTLAND/LAKE OSWEGO, OR  
SEATTLE/KIRKLAND, WA  
DENVER/ENGLEWOOD, CO

February 26, 2001

**CERTIFIED MAIL - 7099 3400 0016 3549 8668**  
**RETURN RECEIPT REQUESTED**

Mr. Tom Dizoglio  
29 Belvedere Street  
San Francisco, California 94117

Re: U.S. Patent Application Serial No.: 09/644,351  
Filed: August 23, 2000  
Entitled: "Integration Of Passive Data Content In A Multimedia-  
Controlled Environment"  
BSTZ Docket No.: 4905.P004

U.S. Patent Application Serial No.: 09/644,345  
Filed: August 23, 2000  
Entitled: "Method And Apparatus With DVD And HTML Control  
Environments"  
BSTZ Docket No.: 4905.P005

Dear Mr. Dizoglio:

Following up on letter date February 14, 2001, enclosed are copies of the above-identified patent applications as filed in the U.S. Patent Office on August 23, 2000 of which you are a named inventor. We are also enclosing an Assignment and Declaration for each application. We ask that you please sign, date and return these documents to us in the self-addressed, stamped envelope provided herewith.

Please be advised that even if you are no longer employed by Imagicast, Inc., you still have a duty to execute any documents required to prosecute patent applications in which you are a named inventor.

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**MAR 16 2001**



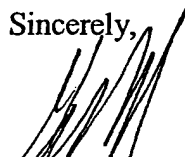
# BLAKELY SOKOLOFF TAYLOR & ZAFMAN

Mr. Tom Dizoglio  
February 26, 2001  
Page 2



We would appreciate receiving the executed documents as soon as possible so that we may file them prior to the deadline of March 10, 2001. If you have any questions, please do not hesitate to contact me.

Sincerely,



Gregg A. Peacock

GAP:vv  
Encl.

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
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| Return Receipt Fee<br>(Endorsement Required)      |         |                  |
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| Total Postage & Fees                              | \$ 7.35 |                  |

Recipient's Name (Please Print Clearly) (to be completed by mailer)  
Mr. Tom Dizoglio  
Street, Apt. No., or PO Box No.  
29 BELVEDERE STREET  
City, State, ZIP+4  
SAN FRANCISCO, CA 94117

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**SENDER: COMPLETE THIS SECTION**

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR. TOM DIZOGUO

29 BELVEDERE STREET

5th FLOOR, CA 94117



**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X *T. Dizoguo* 2/22/99

D. Is delivery address different from item 1? ☐ Agent ☐ Addressee  
If YES, enter delivery address below: ☐ Yes ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
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4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

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PS Form 3811, July 1999

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102595-00-M-0952

# BLAKELY SOKOLOFF TAYLOR & ZAFMAN

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FACSIMILE (512) 330-0476

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WWW.BSTZ.COM



ONE BARTON SKYWAY  
1501 SOUTH MoPac, SUITE 250  
AUSTIN, TEXAS 78746

March 5, 2001

## OTHER OFFICES

LOS ANGELES, CA  
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SAN DIEGO/LA JOLLA, CA  
PORTLAND/LAKE OSWEGO, OR  
SEATTLE/KIRKLAND, WA  
DENVER/ENGLEWOOD, CO

**CERTIFIED MAIL - 7099 3400 0016 3549 8637**  
**RETURN RECEIPT REQUESTED**

Mr. Tom Dizoglio  
29 Belvedere Street  
San Francisco, California 94117

Re: U.S. Patent Application Serial No.: 09/644,351  
Filed: August 23, 2000  
Entitled: "Integration Of Passive Data Content In A Multimedia-  
Controlled Environment"  
BSTZ Docket No.: 4905.P004

U.S. Patent Application Serial No.: 09/644,345  
Filed: August 23, 2000  
Entitled: "Method And Apparatus With DVD And HTML Control  
Environments"  
BSTZ Docket No.: 4905.P005

Dear Mr. Dizoglio:

Following up on our correspondence dated February 14, and February 26, 2001, we ask that you please sign, date and return the Assignments and Declarations for the above-identified applications.

Please be advised that even if you are no longer employed by Imagicast, Inc., you still have a duty to execute any documents required to prosecute patent applications in which you are a named inventor.

It is imperative you return the executed documents as soon as possible so that we may file them prior to the deadline of March 10, 2001. If you have any questions, please do not hesitate to contact me.

Sincerely,

  
Gregg A. Peacock

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GAP:vv

7099 3400 0016 3549 8637

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**CERTIFIED MAIL RECEIPT**  
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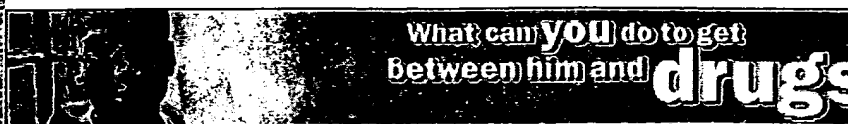
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| Postage   | \$      | Postmark<br>Here |
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| Total Postage & Fees                              | \$ 3.74 |                  |

|   |  |
|---|--|
| Recipient's Name (Please Print Clearly) (to be completed by mailer) |  |
| Mr. Tom Dioglio   |  |
| Street, Apt. No., or PO Box No.                                     |  |
| 29 BELVEDERE Street   |  |
| City, State, ZIP+4  |  |
| SAN FRANCISCO, CA 94117   |  |
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## Thomas Dizoglio

29 Belvedere

SAN FRANCISCO, CA 94117

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Tom Sharples et al.

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Filing Date: August 23, 2000

For: METHOD AND DEVICE WITH  
DVD AND HTML CONTROL  
ENVIRONMENTS

Examiner: Not Assigned

Group Art: 2614

Commissioner for Patents  
Washington, D.C. 20231

DECLARATION OF TOM SHARPLES

I, Tom Sharples, having personal knowledge of the facts set forth herein, hereby declare and say as follows:

1. I am the Exec. Vice-president of Imagicast, Inc. and as such I have access to employees home addresses.

2. On February 9, 2001, I provided Gregg A. Peacock with the last known address on file for Mr. Dizoglio. That address is 29 Belvedere Street, San Francisco, California 94117 (see Exhibit 1).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 3-9-2001

  
Tom Sharples

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Imagicast

Imagicast, Inc.

828 Mahler Road

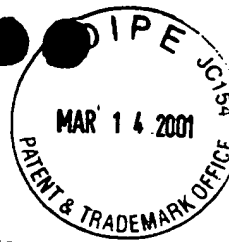
Burlingame, California 94010

www.imagicast.com

800.835.7072 toll-free

650.692.8700 voice

650.697.9520 fax



FAX

to: GREG PERCOCK from TOM SPANGLER  
company: BLANAY SPANGLER voice 650 651-5162  
voice: fax:  
fax: 512-330-0476 e-mail:  
date 2-9-01 subject:  
total pages (including cover  
sheet):  
message:

PLEASE GIVE THIS TO

GREG ASAP !!

THANKS !

ADDRESS FOR TOM DI ZIOBLO:

29 BELVEDERE STREET

SAN FRANCISCO, CA 94117

EXHIBIT 1

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